Ch. 453

MT LEGISLATIVE HISTORY

Year 1977

Bill # HB 719 Original bill & hist. ___C

H. Committee on Jud.

S. Committee on St. Admin.

Hearing Date(s)			Hearing Date(s)		
	2-15	___C		3-21	___C
		___C			___C
		___C			___C
		___C		3-25	___C
Date Out	2-15	___C	Date Out	3-21 [illegible]	___C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____

Minutes

Report

House BILL NO. 719

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE, LIMIT, AND STANDARDIZE TRAVEL EXPENSE REIMBURSEMENTS PAID FROM PUBLIC FUNDS BY STATE GOVERNMENTAL ENTITIES, NOT INCLUDING THE LEGISLATIVE BRANCH; AMENDING SECTIONS 5-609, 16-5119, 26-108, 26-1505, 27-238, 44-128, 59-801, 59-1402, 62-503, 66-409, 66-2805, 66-3205, 66-3703, 66-3905, 68-1802, 69-3414, 75-8408, 79-1016, 82-301, 82-1208, 82-1519, 82-4402, 82A-210, 82A-507, 82A-1602.30, 84-601, 84-702, 84-6704, 92-116.1, 93-716, 93-721, AND 95-3124.1, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 59-801, R.C.M. 1947, is amended to read as follows:

"59-801. Mileage ~~of all officers.~~ (1) ~~Automobiles.~~ Members of the legislature, state officers, ~~township officers~~ and employees, jurors, witnesses, county agents, and all other persons, ~~except sheriffs,~~ who may be entitled to mileage, paid from public funds, when using their own automobiles in the performance of official duties, ~~shall be~~ are entitled to collect mileage for the distance actually traveled by automobile, and no more, unless otherwise specifically provided by law; ~~provided, however, that nothing herein contained shall be construed as affecting the validity of section 43-310.~~

(2) ~~Where~~ When the individual is authorized to operate a privately owned vehicle even though a government-owned or leased vehicle is available, a rate of ~~three~~ 3 cents ~~(3¢)~~ less per mile than the mileage rate allowed by the United States internal revenue service for the ~~next~~ preceding year shall be paid.

(3) ~~Where~~ When a privately owned vehicle is used because a government-owned or leased vehicle is not available ~~for use~~ or ~~it~~ because such use is in the best interest of the governmental entity, ~~that a privately owned vehicle be used,~~ a rate equal to the mileage allotment allowed by the United States internal revenue service for the ~~next~~ preceding year shall be paid for the first ~~one thousand (1,000)~~ miles and ~~three~~ 3 cents ~~(3¢)~~ per mile less for all miles thereafter traveled within a given calendar month.

(4) ~~Private planes.~~ Members of the legislature, state officers, ~~township officers~~ and employees, jurors, witnesses, county agents, and all other persons, ~~except sheriffs,~~ who may be entitled to mileage paid from public funds, when using their own airplanes, in the performance of official duties, are entitled to collect mileage for the

distance actually traveled at a rate of ~~twenty~~ 20 cents ~~(20¢)~~ per statute mile~~,~~ and no more, unless specifically provided by law. ~~This section does not affect the validity of section 43-310.~~

(5) This section does not alter 43-310.

~~(5)~~ (6) The department of administration shall prescribe rules necessary ~~to effectively administer~~ for the effective administration of this section for state government."

Section 2. Section 5-609, R.C.M. 1947, is amended to read as follows:

"5-609. ~~Secretary of board meetings of board quorum remuneration.~~ State banking board — secretary — meetings — per diem. (1) The ~~board~~ state banking board created in 82A-407 shall elect a secretary from its members ~~a secretary~~ to serve at the pleasure of the board.

(2) In performing its functions, the board shall have use of the offices, equipment, and personnel of the department of business regulation as it requires.

(3) The board shall hold regular meetings each quarter at a fixed date and time at the office of the department ~~of business regulation~~. Special meetings may be called ~~at any time~~ by the chairman at any time upon ~~three (3)~~ days' notice to the members.

(4) A quorum for all meetings shall be a majority of

the board members, and ~~action may be taken by~~ a majority of the quorum present at any meeting may take action.

(5) The chairman shall have a voice but no vote in all meetings except to break a tie.

(6) Any board member except the chairman may be removed by the governor without cause in any case.

(7) The board members, except the chairman, shall be paid ~~twenty-five dollars ($25) per~~ a day or any part thereof devoted to the performance of their duties~~,~~ and ~~actual and reasonable~~ travel expenses, as provided for in 59-538, 59-539, and 59-801, as amended, incurred in the performance of their duties ~~and mileage as provided by law to state officers~~. The costs and expenses of the board shall be legitimate charges of the department ~~of business regulation~~."

Section 3. Section 16-5119, R.C.M. 1947, is amended to read as follows:

"16-5119. Commission organization and procedure. (1) The commission ~~shall have the power to~~ may adopt rules for its own organization and procedure.

(2) The commission shall select from its membership any additional officers it considers necessary.

(3) The commission may employ and fix the compensation and duties of necessary staff.

(4) Commission members shall be reimbursed for ~~actual~~

~~and necessary~~ travel expenses, as provided ~~for~~ in 59-538, 59-539, and 59-801, as amended, incurred as commission members and shall be paid compensation as provided by law for interim standing committees.

(5) A majority of the members of the commission shall constitute a quorum for the transaction of business, and ~~no~~ to be effective a recommendation of the commission ~~shall have any effect unless~~ must be adopted by a majority of ~~the whole number~~ all of the commission members ~~of the commission~~.

(6) Open meetings — hearings. All meetings of the commission shall be open to the public. The commission shall hold public hearings and may use other suitable means to disseminate information and stimulate public discussion of its purposes, progress, conclusions, and recommendations.

(7) The chairperson shall schedule meetings of the commission as ~~deemed~~ considered necessary. The chairperson shall give due notice of the time and place of the meetings to members of the commission.

(8) The commission shall maintain a written record of its proceedings and its finances, which shall be open to inspection by any person at the office of the commission during regular office hours.

(9) Upon request, state agencies and units of local government shall cooperate with the commission by furnishing

assistance and data to the extent possible.

(10) State, municipal, and county officers and employees, at the request of the commission and with the consent of the employing agency, may be granted leave with or without pay from their agency to serve as consultants to the commission. If leave with pay is granted, they shall receive no other compensation, except ~~mileage and per diem~~ travel expenses, from the commission as provided for in 59-538, 59-539, and 59-807, as amended.

(11) The commission may establish advisory boards and committees, ~~including on them~~ which may include persons who are not members of the study commission.

(12) The commission may do ~~any and~~ all things ~~as are~~ consistent with and reasonably required to perform its function under this act."

Section 4. Section 26-108, R.C.M. 1947, is amended to read as follows:

"26-108. Employees of the commission — removal — rating — salaries — expenses. The director ~~shall have the power to~~ may suspend without pay, reduce in rank, or remove any employee at any time for cause, providing that any person who has been continuously employed for ~~one (1)~~ year or more immediately preceding any suspension or discharge may demand and receive a hearing ~~on charges filed~~ before the ~~fish and game~~ commission on charges filed. The action of the

commission resulting from such a hearing shall be final. The director shall rate all employees on the basis of merit and efficiency in accordance with such rules ~~and regulations~~ as the commission may adopt to secure a proper rating of each person employed. The salaries of employees shall be fixed by the commission, and ~~necessary~~ travel expenses, as provided ~~by law~~ for in 59-538, 59-539, and 59-801, as amended, shall be allowed employees while upon official business away from designated headquarters."

Section 5. Section 26-1505, R.C.M. 1947, is amended to read as follows:

"26-1505. Refusal by applicant to modify plans -- arbitration of disputes. (1) If the ~~fish and game~~ commission notifies the applicant that the construction will adversely affect fish or game habitat, the applicant, within ~~fifteen (15)~~ days after receiving the recommendations and alternatives of the ~~fish and game~~ commission, shall notify the ~~fish and game~~ commission if it refuses to modify its plans in accordance with ~~such~~ the recommendations or alternatives. In the event of ~~such~~ refusal, the disagreement shall be arbitrated as provided in subsection (2) of this section.

(2) Upon receipt of ~~such~~ a notice of refusal, the ~~fish and game~~ commission shall determine if it wants the disagreement arbitrated. Within ~~ten (10)~~ days after an

affirmative determination, and after notice to the applicant, the ~~fish and game~~ commission shall notify, in writing, all district judges of the judicial district or districts in which the project is located that an arbitration board is needed. Within ~~five (5)~~ days of receipt of notification, ~~such~~ the judges shall appoint three ~~(3)~~ people from the county or counties in which the project is located to an arbitration committee. Within ~~ten (10)~~ days after the committee is appointed, it shall meet, hear testimony from all the parties concerned, and issue a decision signed by at least two ~~(2)~~ members of the committee. The decision shall be binding on all parties concerned. ~~The actual and necessary~~ Travel expenses of the arbitrators, shall be allowed as in 59-538, 59-539, and 59-801, as amended, and shall be divided equally among the agencies involved."

Section 6. Section 27-238, R.C.M. 1947, is amended to read as follows:

"27-238. Subpoena power of department of agriculture. (1) The department of agriculture ~~shall have the power to~~ may subpoena witnesses, ~~to~~ administer oaths, and ~~to~~ require the production of records, books, ~~and~~ or documents for examination at any hearing or investigation conducted by it. Subpoenaed witnesses shall be paid ~~the same per diem and mileage~~ travel expenses as ~~is authorized by the law for~~

~~state employees~~ provided for in 59-538, 59-539, and 59-801, as amended.

(2) ~~In case of failure or refusal on the part of any person~~ If a person fails or refuses to comply with the subpoena issued by the department of agriculture or ~~in case of the refusal of any~~ if a witness refuses to testify ~~as to~~ on any material matter regarding which he may be interrogated, any district court in the state, upon good cause shown by the application of the department of agriculture, may issue a warrant of attachment for such person, ~~and if~~ If, after a hearing, the court finds his failure or refusal to be unjustified, it may compel him to comply with ~~such~~ the subpoena, ~~and~~ to attend before the department of agriculture and produce any subpoenaed records, books, ~~and~~ or documents for examination, and to give his testimony. ~~Such~~ The court ~~shall have the power to~~ may punish for contempt as in the case of disobedience to a like subpoena issued by the court, or for refusal to testify therein."

Section 7. Section 44-128, R.C.M. 1947, is amended to read as follows:

"44-128. ~~Employment of librarian~~ Librarian and assistants. The commission shall employ as its executive officer a librarian, who ~~shall be~~ is a graduate of an accredited library school, and ~~who shall not be~~ is not a

member of the commission, for such compensation as the commission ~~may deem~~ considers adequate, ~~and who. The~~ executive officer shall perform the duties assigned by the commission, ~~to~~ and serve at the will of the commission. The commission may also employ such other assistants as ~~shall be~~ are required for the performance of the commission's work. In addition to their salaries, while on commission business the librarian and assistants shall be allowed their ~~mileage and per diem while absent from the commission office in the service of the commission~~ traved expenses, as provided for in 59-538, 59-539, and 59-801, as amended."

Section 8. Section 59-1402, R.C.M. 1947, is amended to read as follows:

"59-1402. Meetings of commission — quorum — compensation. (1) The commission shall hold at least two ~~(2)~~ meetings before submitting a report to the ~~legislative assembly~~ legislature as provided in ~~section~~ 59-1404.

(2) All meetings shall be called by the chairman of the commission, and notice of the meeting dates shall be given by mail to each commission member at least ~~twenty (20)~~ days before the day scheduled for the meeting.

(3) A majority of members present at any meeting is sufficient to transact any business to come before the meeting; however, a majority of all commission members is necessary to ratify the commission's recommendations to the

legislature.

(4) Commission members shall be reimbursed from the appropriation to the office of the legislative council for their ~~actual and necessary~~ travel expenses incurred, as provided for in 59-538, 59-539, and 59-801, as amended, and ~~twenty-five dollars ($25) per day~~ while attending meetings of the commission.

(5) The commission shall choose one ~~(1)~~ of its members as chairman at its initial meeting, and the executive director of the legislative council or his delegate shall serve as secretary to the commission and shall record and transcribe all minutes of commission meetings and prepare all correspondence, notices, and formal recommendations as directed by the chairman."

Section 9. Section 62-503, R.C.M. 1947, is amended to read as follows:

"62-503. Chairman -- quorum -- costs -- salary. (1) The board shall organize by electing one ~~(1)~~ of its members chairman. Three ~~(3)~~ members of the board shall constitute a quorum for the transaction of business by the board.

(2) The board may incur costs, charges, and expenses reasonably necessary to carry out this act.

(3) Each member may be paid ~~twenty-five dollars ($25)~~ for each day in which he is actually and necessarily engaged in the performance of board duties, and shall ~~also~~ be

reimbursed for ~~actual and necessary~~ travel expenses, as provided for in 59-538, 59-539, and 59-801, as amended, incurred in his official service."

Section 10. Section 66-409, R.C.M. 1947, is amended to read as follows:

"66-409. Powers and duties. (1) The department shall, subject to ~~section~~ 82A-1603, conduct practical examinations of applicants for apprentice cards and for certificates of registration to practice as registered barbers, not less than four ~~(4)~~ times ~~each~~ a year at times and places the board determines. The examinations shall cover the fundamentals of barbering, dermatology, and sanitation. The department shall issue apprentice cards and certificates of registration.

(2) The board may approve price agreements, establishing minimum prices for barber work, which are signed and submitted to the board by an organized group or groups of at least ~~seventy-five percent (75%)~~ of the barbers in a city or town, if the board, after ascertaining by investigations and proofs as the situation permits and requires, finds that the price agreement is just and will best protect the public health and safety by affording a sufficient minimum price for barber work to enable the barbers to furnish modern and healthful services and appliances to minimize the danger to the public health

incident to this work. Under this chapter, a city or town includes~~, in addition to~~ the territory within its legal limits~~,~~ and the territory adjacent to it and lying within ~~three (3)~~ miles of its legal limits. In determining whether a price agreement is just and will best protect the public health and safety, the board shall ~~take into consideration~~ consider all conditions affecting the barber business in its relation to the public health and safety.

(3) In determining reasonable minimum prices, the board shall ~~take into consideration~~ consider the necessary cost incurred in the city or town to maintain a barbershop in a clean, healthful, and sanitary condition.

(4) ~~The board, after~~ After making an investigation, the board shall by order fix ~~by order~~ the minimum price for work usually performed in a barbershop in the city or town in which the price agreement has been signed. The board may, on the petition of ~~fifty percent (50%)~~ of the barbers of the city or town, readjust the minimum prices, and the new prices must be approved by ~~seventy-five percent (75%)~~ of the barbers in the city or town. This section does not apply to students who have been enrolled less than ~~nine (9)~~ months in a barber college in this state or ~~until they become~~ who are not apprentice barbers.

(5) The board may adopt rules for the administration of this chapter.

(6) A person hired by the department to make an inspection of a barbershop, school, or college shall be recommended by the board. He shall receive ~~thirty dollars ($30)~~ per day plus ~~actual and necessary~~ travel expenses, as provided for in 59-538, 59-539, and 59-801, as amended."

Section 11. Section 66-2805, R.C.M. 1947, is amended to read as follows:

"66-2805. Meetings — powers — compensation. (1) Each July the ~~The~~ board shall ~~annually in the month of July,~~ elect from its membership a president, vice-president, and secretary-treasurer. The board shall meet quarterly and at such other times it considers necessary.

(2) The board may:

(a) ~~Adopt~~ adopt rules for the administration of this act and for the licensing of electrical contractors and the examination and licensing of master and journeymen electricians~~.~~;

(b) ~~Adopt~~ adopt a seal;

(c) ~~Cause~~ cause the prosecution and enjoinder of persons violating this act;

(d) ~~Suspend~~ suspend or revoke a license granted under this act for any of the following reasons:

(i) ~~Violation~~ violation of this act, the national electrical code, or the rules of the board;

(ii) ~~Any~~ any cause for which issuance of the license

could have been denied had it existed and been known to the board;

(iii) ~~Commission~~ commission of any act of gross negligence, incompetency, or misconduct as may be determined by the board in the practice of a master or journeyman electrician or the business of an electrical contractor; or

(iv) ~~Making~~ making a material misstatement, misrepresentation, or fraud in obtaining a license.

(3) Each member of the board shall receive ~~actual and necessary~~ travel expenses, as provided for in 59-538, 59-539, and 59-801, as amended, incurred in the performance of his duties."

Section 12. Section 66-3205, R.C.M. 1947, is amended to read as follows:

"66-3205. Duties of board. (1) The board shall hold a regular annual meeting in which it shall select from its members a chairman and a secretary. The department shall keep a record of the board's proceedings. Other regular meetings shall be held at such times as the rules of the board provide. Special meetings may be held at times considered necessary or advisable by the chairman and the majority of its members, or on the request of the governor. Reasonable notice of meetings shall be given in the manner prescribed by the board. The quorum of the board consists of the majority of its members.

(2) Each board member shall receive ~~actual and necessary traveling and subsistence~~ travel expenses, as provided for in 59-538, 59-539, and 59-801, as amended, incidental to board meetings.

(3) The board may make reasonable and necessary rules for the proper performance of its duties and for the regulation of proceedings before it.

(4) The attorney general shall act as attorney for the board. He or his representative may sit as an ex officio member of the board in an advisory capacity only.

(5) The board shall adopt an official seal."

Section 13. Section 66-3703, R.C.M. 1947, is amended to read as follows:

"66-3703. Board — compensation — meetings — quorum. (1) Board members may be compensated as determined by the board, but not to exceed ~~twenty-five dollars ($25) per~~ a day, for official business. Board members shall be reimbursed for their ~~actual and necessary~~ travel expenses, as provided for in 59-538, 59-539, and 59-801, as amended, incurred while on official business of the board.

(2) The board shall meet at least twice a year and elect a chairman at the first meeting of each calendar year.

(3) Four ~~(4)~~ members of the board constitute a quorum for the purpose of transacting business."

Section 14. Section 66-3905, R.C.M. 1947, is amended

to read as follows:

"66-3905. Function of the board and department. (1) The board shall meet at least once ~~every~~ a year at a place, day, and hour determined by the board. The board shall also meet at other times and places as the bylaws of the board may provide or by call of the chairman or a majority of the members of the board. A quorum of the board shall consist of the majority of its members, but in no instance ~~shall~~ may a meeting of three ~~(3)~~ board members who are exclusively speech pathologists or exclusively audiologists be considered a quorum.

(2) Each board member shall receive ~~actual and necessary~~ travel expenses incidental to board meetings and business, as provided for in 59-538, 59-539, and 59-801, as amended ~~Mileage shall be as provided in section 59-801.~~

(3) The department may employ persons it ~~deems~~ considers necessary to carry out the provisions of this act.

(4) All meetings of the board for the consideration of and action on matters coming before the board are open to the public, except:

(a) matters involving the management of internal affairs of the board may be considered and acted upon by the board in executive meetings under rules prescribed by the board;

(b) sessions to prepare, approve, grade, or administer

examinations;

(c) upon request of a person who has failed the licensing examinations and who is appearing to appeal the failure.

(5) The board may make ~~all~~ rules which are reasonable or necessary for the proper performance of its duties and for the regulation of proceedings before it.

(6) The department shall prepare a report to the governor as required by law.

(7) The board shall:

(a) administer, coordinate, and enforce the provisions of this act;

(b) evaluate the qualifications of each applicant for a license as issued under this act and supervise the examination of such applicants;

(c) investigate persons engaging in practices which allegedly violate the provisions of this act;

(d) conduct hearings and keep records and minutes as the board considers necessary to an orderly dispatch of business;

(e) adopt rules including but not limited to those governing ethical standards of practice under this act;

(f) make recommendations to the governor and other state officials regarding new and revised programs and legislation related to speech pathology or audiology which

could be beneficial to the citizens of the state of Montana;

(g) cause the prosecution and enjoinder of all persons violating this act, by the complaints of its secretary filed with the county attorney~~,~~ in the county where the violation took place, and incur necessary expenses therefor;

(h) adopt a seal by which the board shall authenticate its proceedings. Copies of the proceedings, records, and acts of the board, signed by the chairman or secretary of the board and stamped with the seal, shall be prima facie evidence of the validity of such documents."

Section 15. Section 68-1802, R.C.M. 1947, is amended to read as follows:

"68-1802. Compensation and expenses of board members. The ~~actual and necessary~~ travel expenses of members of the board shall be as allowed in 59-538, 59-539, and 59-801, as amended, and reimbursed by the retirement system. Those members of the board who are not members of the retirement system shall be entitled to receive, in addition to ~~actual and necessary~~ travel expenses, compensation at the rate of ~~twenty five dollars ($25) per~~ a day. All expenses of the administration of this act in excess of the amounts provided by the membership fees contributed pursuant to ~~section~~ 68-1904 shall be a charge on the appropriation made from the general fund of the state."

Section 16. Section 69-3414, R.C.M. 1947, is amended

to read as follows:

"69-3414. Compensation of members. (1) Members of the board shall receive compensation of ~~twenty five dollars ($25) per~~ a day plus ~~actual and necessary~~ travel expenses, ~~and mileage~~ as provided for in ~~section~~ 59-538, 59-539, and 59-801, as amended, while engaged in business of the board.

(2) The board shall appoint one ~~(1)~~ of its members chairman. The board shall meet at least once annually and at such other times as agreed upon. The board shall not meet more than four ~~(4)~~ times ~~in any~~ year."

Section 17. Section 75-8408, R.C.M. 1947, is amended to read as follows:

"75-8408. Bureau of mines and geology -- purpose. The bureau of mines and geology shall:

(1) ~~Compile~~ compile and publish statistics relative to Montana geology, mining, milling, and metallurgy~~;~~

(2) ~~Collect~~ collect:

(a) typical geological and mineral specimens;

(b) samples of products;

(c) photographs, models, and drawings of appliances used in the mines, mills, and smelters of Montana; and

(d) a library and a bibliography of literature relative to the progress of geology, mining, milling, and smelting in Montana;

(3) ~~Study~~ study the geological formations of Montana,

with special reference to their economic mineral resources~~,~~ and ground water~~.~~;

(4) ~~Examine~~ examine the topography and physical features of Montana relative to their bearing upon the occupation of the people~~.~~;

(5) ~~Study~~ study the mining, milling, and smelting in Montana relative to their improvement~~.~~;

(6) ~~Publish~~ publish bulletins and reports of a general and detailed description of the natural resources, geology, mines, mills, and reduction plants of Montana;

(7) ~~Make~~ make qualitative examinations of rocks and mineral samples~~.~~;

(8) ~~Consider~~ consider scientific and economic problems the regents ~~deem~~ consider valuable to the people of Montana~~.~~;

(9) ~~Communicate~~ communicate special information of Montana geology, mining, and metallurgy~~.~~;

(10) ~~Co-operate~~ cooperate with:

(a) departments of the system;

(b) the state mine inspector;

(c) departments of the state;

(d) the United States geological survey; and

(e) the United States bureau of mines~~.~~;

(11) ~~Make~~ make examinations of state land regarding ~~their~~ its geology and mineral value at the request of the

department of state lands and make investments. ~~(a)~~ These services are limited to the time available for such work after all other duties of the bureau of mines and geology are served. ~~(b)~~ Written reports shall be made. ~~(c)~~ Travel~~,~~ ~~food, lodging, and incidental~~ expenses incurred by the examiner shall be paid as provided for in 59-538, 59-539, and 59-801, as amended, by the agency requesting the examination upon the presentation of claims in the ordinary form.

(12) ~~Deposit~~ deposit all material collected in the state museums or in the Montana college of mineral science and technology after completed use by the bureau of mines and geology~~.~~;

(13) ~~Distribute~~ distribute duplicates of representative material to the units of the university system to their best educational advantage~~.~~; and

(14) ~~Print~~ print the regular and special reports~~,~~ with illustrations and maps~~,~~ and distribute them on direction of the regents."

Section 18. Section 79-1016, R.C.M. 1947, is amended to read as follows:

"79-1016. Inquiries and investigations by budget director. The budget director or his designated representative shall make such further inquiries and investigations as he ~~shall deem~~ considers necessary as to

any item included in the report and estimates furnished by any department, agency, or institution. In making such investigations, he shall be allowed his ~~necessary~~ travel expenses ~~of travel and subsistence~~ as provided ~~by law~~ for in 59-538, 59-539, and 59-801, as amended, in visiting any institution or department in the state. The budget director may appoint a chief assistant and may employ such other personnel as may be necessary to carry out the provisions of this chapter."

Section 19. Section 82-301, R.C.M. 1947, is amended to read as follows:

"82-301. Board of athletics -- ~~compensation and expense -- meetings -- chairman -- seal -- quorum~~. The members of the board of athletics shall serve without compensation but shall be allowed ~~necessary~~ travel expenses, as provided for in 59-538, 59-539, and 59-801, as amended, to be paid by the state treasurer on warrant properly drawn, out of the proceeds of the tax collected under this act. ~~The board shall before~~ Before April 1 of each year, the board shall elect one of its number chairman, shall adopt a seal for the board, and may adopt rules for the administration of its office. Two ~~(2)~~ of the members of the board constitute a quorum to do business~~,~~ and the concurrence of at least two ~~(2)~~ members is necessary to render a choice or decision by the board."

Section 20. Section 82-1208, R.C.M. 1947, is amended to read as follows:

"82-1208. Special deputy fire marshals -- acting fire marshal -- fire marshal's employees. (1) In an emergency, or during the absence or disability of the state fire marshal, the attorney general may appoint an acting fire marshal, who shall perform the duties of the office, or any duty which may be assigned to him, such appointment to cease when the necessity therefor has been relieved.

(2) The state fire marshal may appoint special deputy state fire marshals throughout the state and define their duties. When performing these duties or attending a training course conducted by the state fire marshal, special deputy fire marshals may be paid at a rate not to exceed ~~forty dollars ($40) per~~ a day plus ~~per diem allowance for~~ travel expenses ~~and mileage at the same rates specified for state employees~~ as provided for in 59-538, 59-539, and 59-801, as amended.

(3) The fire marshal may appoint assistants and clerical employees to perform duties as specified by the marshal to assist in carrying out the duties assigned him by law."

Section 21. Section 82-1519, R.C.M. 1947, is amended to read as follows:

"82-1519. Compensation of chairman and officers --

report. ~~It shall be the duty of all~~ (1) All public officers ~~to~~ shall perform the duties relative to hail insurance under this act~~,~~ without other compensation than that allowed by law. The chairman of the state board of hail insurance shall receive a salary in such amount as may be specified by the ~~legislative assembly~~ legislature in the appropriation to the board of hail insurance, and all appointed officers and employees under this act shall be allowed ~~the per diem and mileage allowed state employees~~ travel expenses as provided for in 59-538, 59-539, and 59-801, as amended. The compensation of all appointed officers and employees of the board shall be fixed by the state board of hail insurance. If the ~~legislative assembly~~ legislature does not specify the maximum salary for the head of the agency, the salary shall be fixed by the state board of hail insurance after approval by the board of examiners. Before approving any salary increase, the board of examiners shall review the salaries of comparable positions in Montana state government, other states, and private industry.

(2) The chairman of the state board of hail insurance shall report as provided in ~~section 2 [82-4002] of this act~~."

Section 22. Section 82-4402, R.C.M. 1947, is amended to read as follows:

"82-4402. Board member appointed by governor —

compensation. The governor shall appoint the board member. He shall report directly to the governor. ~~Such~~ The member, with the approval of the governor, may designate an alternate to represent the state when he is unable to do so. The member~~,~~ or his alternate~~, shall~~ may receive no compensation in addition to salary for his services as a member of the board~~,~~ but shall be reimbursed for ~~actual and necessary~~ travel expenses as provided for in 59-538, 59-539, and 59-801, as amended, incurred in the performance of his duties."

Section 23. Section 82A-210, R.C.M. 1947, is amended to read as follows:

"82A-210. Board of administration — composition — terms — allocated. (1) There is a board of administration.

(2) The board consists of five ~~(5)~~ members appointed by the governor. The members are:

(a) ~~Three (3)~~ three public employees who ~~shall be~~ are members of a public retirement system~~. Not~~ (not more than one ~~(1)~~ of these members may be an employee of the same department~~.~~); and

(b) ~~Two (2)~~ two members at large.

(3) The term of office for each member is ~~five (5)~~ years.

(4) The board is allocated to the department for administrative purposes only as prescribed in ~~section~~

82A-108.

(5) Members of the board shall be paid their ~~actual and necessary~~ travel expenses as provided for in 59-538, 59-539, and 59-801, as amended, and members of the board who are not members of the public retirement system shall be entitled, in addition to ~~actual and necessary~~ travel expenses, to compensation as established for a quasi-judicial board in ~~section~~ 82A-112 ~~(7)~~."

Section 24. Section 82A-507, R.C.M. 1947, is amended to read as follows:

"82A-507. Board of trustees of state historical society -- continued. (1) The board of trustees of the state historical society, created in Title 44, chapter 5, R.C.M. 1947, is continued.

(2) The composition, method of appointment, terms of office, and qualifications of board members remain as prescribed by law.

(3) Each member is entitled to be paid an amount to be determined by the department head, not to exceed ~~twenty-five dollars~~ ($25) for each day in which he is actually and necessarily engaged in the performance of board duties, and he is also entitled to be reimbursed for ~~actual and necessary~~ travel expenses, as provided for in 59-538, 59-539, and 59-801, as amended, incurred while in the performance of board duties. Members who are full-time

salaried officers or employees of this state or of any political subdivision of this state are not entitled to be compensated for their service as members, but are entitled to be reimbursed for their ~~actual and necessary~~ travel expenses."

Section 25. Section 82A-1602.30, R.C.M. 1947, is amended to read as follows:

"82A-1602.30. Board created. (1) There is a board of landscape architects. The board consists of five ~~(5)~~ members of which at least three ~~(3)~~ must be landscape architects. Members of the board shall be appointed by the governor and must be residents of this state. At least three ~~(3)~~ shall have the qualifications of landscape architects required by this act, and, except for the first appointed members, three ~~(3)~~ members must be licensed landscape architects. The board is allocated to the department of professional and occupational licensing for administrative purposes only as prescribed in ~~section~~ 82A-108.

(2) The terms of the members of the board first appointed are as follows:

(a) one member for ~~one (1)~~ year;

(b) two members for ~~two (2)~~ years; and

(c) two members for ~~three (3)~~ years.

(3) Future terms are for ~~four (4)~~ years. Each member

shall hold office until the appointment and qualification of his successor. Vacancies occurring prior to the expiration of the term shall be filled in the same manner as original appointments. No member may serve more than ~~eight (8)~~ consecutive years.

~~(3)~~ (4) The board may promulgate such rules, including setting of fees, as are necessary in the performance of its duties, and may hear contested cases arising under this act.

~~(4)~~ (5) ~~The~~ At its first meeting of every calendar year, the board shall elect ~~annually, at its first meeting of every calendar year,~~ from its members, a president who may appoint a secretary. The secretary may or may not be a member of the board. In carrying out the provisions of this act, ~~all~~ the only reimbursement members of the board ~~shall~~ may receive ~~only reimbursement~~ is for travel ~~and actual~~ expenses allowed as in 59-538, 59-539, and 59-801, as amended, incurred in the performance of board duties."

Section 26. Section 84-601, R.C.M. 1947, is amended to read as follows:

"84-601. County tax appeal board -- ~~when to hear protests~~ meetings and compensation. The board of county commissioners of each county shall appoint a ~~three (3)~~ three-member county tax appeal board. The members of each tax appeal board shall be residents of the county in which they serve~~, they~~. They shall serve ~~four (4)~~ 4-year terms and

shall ~~effective July 1, 1973,~~ receive compensation of ~~twenty-five dollars ($25) per~~ a day and travel expenses as provided for in 59-538, 59-539, and 59-801, as amended, only when the county tax appeal board is in session to hear taxpayers' appeals from property tax assessments or when they are attending meetings called by the state tax appeal board. Travel expenses and compensation shall be paid from the appropriation to the state tax appeal board. Office space and equipment for the county tax appeal boards shall be furnished by the county. All other incidental expenses ~~will~~ shall be paid from the appropriation of the state tax appeal board. ~~The first term shall run from July 1, 1973, through December 31, 1976.~~ The county tax appeal board must meet on the third Monday of June in each year to hear protests concerning assessments made by the department of revenue. It must continue in session for that purpose from time to time until the business of hearing protests is disposed of, but not later than the second Monday in August. In connection with any such appeal, the county tax appeal board ~~shall have the authority to~~ may change any assessment or fix the assessment at some other level. ~~It is the duty of the~~ The county clerk ~~to~~ shall publish a notice to taxpayers, ~~of~~ giving the time the county tax appeal board will meet to hear protests concerning assessments and the latest date the county tax appeal board may take

applications for such hearings~~,~~ ~~by publication~~ The notice shall be published in a newspaper~~,~~ if any is printed in the county~~,~~, or if none, then in such manner as the board may direct. The notice shall be published at least ~~seven (7)~~ days prior to the first meeting of the county tax appeal board."

Section 27. Section 84-702, R.C.M. 1947, is amended to read as follows:

"84-702. Qualification and compensation. ~~The persons to~~ To be appointed ~~as members~~ a member of the state tax appeal board, ~~shall be such as are known to~~ a person must possess knowledge of the subject of taxation and skill in matters pertaining thereto. No person so appointed ~~shall~~ may hold any other office under the laws of this state ~~nor~~ or any other state, ~~nor~~ or any office under the government of the United States or under the government of any other state. He shall devote his entire time to the duties of the office and shall not hold any other position of trust or profit~~,~~ ~~nor~~ or engage in any occupation or business interfering or inconsistent with his duties. The state tax appeal board is transferred to the department of administration for administrative purposes only as is specified in ~~section~~ 82A-108~~,~~ ~~R.C.M. 1947~~. However, the board may hire its own personnel, and ~~section~~ 82A-108(2)(d) does not apply. The member designated chairman as provided

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for in 84-703 shall receive additional compensation of not more than ~~five hundred dollars ($500) per annum~~ a year, payable in the same manner as the salary. The state tax appeal board shall be paid ~~per diem and~~ travel expenses, as provided for in 59-538, 59-539, and 59-801, as amended, when away from the capital on official business."

Section 28. Section 84-6704, R.C.M. 1947, is amended to read as follows:

"84-6704. Advisory committee — members — reimbursement — meetings. There is hereby established the multistate tax compact advisory committee composed of the member of the multistate tax commission representing this state or any alternate designated by him, the attorney general or his designee, and two members of the senate, one ~~(1)~~ from each of the two ~~(2)~~ major political parties appointed by the senate committee on committees, and two ~~(2)~~ members of the house of representatives, one ~~(1)~~ from each of the two ~~(2)~~ major political parties, appointed by the speaker of the house. The chairman shall be the member of the commission representing this state. Members of the commission who are members of the ~~legislative assembly~~ legislature shall be reimbursed for ~~actual and necessary~~ travel expenses, as provided for in 59-538, 59-539, and 59-801, as amended, incurred on commission business from any funds appropriated to implement this compact. The committee

shall meet on the call of its chairman or at the request of a majority of its members, but in any event it shall meet not less than three ~~(3)~~ times in each year. The committee may consider ~~any and~~ all matters relating to recommendations of the multistate tax commission and the activities of the members in representing this state thereon."

Section 29. Section 92-116.1, R.C.M. 1947, is amended to read as follows:

"92-116.1. Administration fund. (1) ~~There is hereby established in the state treasury a workmen's~~ A workers' compensation administration fund is established, out of which all costs of administering the ~~workmen's~~ Workers' Compensation and Occupational Disease Acts and the various occupational safety acts the division must administer are to be paid upon lawful appropriation. The following moneys collected by the ~~workmen's~~ workers' compensation division shall be deposited in the state treasury to the credit of the ~~workmen's~~ workers' compensation administrative fund and shall be used for the administrative expenses of the division:

(a) all fees and fines provided in ~~sections~~ 92-119, 92-820, and 92-1358;

(b) all fees paid for inspection of boilers and issuance of licenses to operating engineers as required by law;

(c) all fees paid from an assessment on each plan No. 1 employer, plan No. 2 insurer, and plan No. 3, the state insurance fund. The assessments shall be levied against the preceding calendar year's gross annual payroll of the plan No. 1 employers and the gross annual direct premiums collected in Montana on the policies of the plan No. 2 insurers, insuring employers covered under the act, during the preceding calendar year. However, no assessment of the plan No. 1 employer or plan No. 2 insurer shall be less than ~~two hundred dollars ($200)~~. The assessments shall be sufficient to fund the direct costs identified to the three ~~(3)~~ plans and an equitable portion of the indirect costs based on the ratio of the preceding fiscal year's indirect costs distributed to the plans using proper accounting and cost allocation procedures. Plan No. 3 shall be assessed an amount sufficient to fund its direct costs and an equitable portion of the indirect costs as referred to above. Other sources of revenue including unexpended funds from the preceding fiscal year shall be used to reduce the costs before levying the assessments.

(2) The administration fund shall be debited with expenses incurred by the division in the general administration of the provisions of this act, including the salaries of its members, officers, and employees, and the ~~actual and necessary traveling~~ travel expenses and

~~disbursements~~ of ~~such~~ the members, officers, and employees, as provided for in 59-538, 59-539, and 59-801, as amended, incurred while on the business of the division either within or without the state.

(3) Disbursements from the administration moneys shall be made after being approved by the division upon claim therefor."

Section 30. Section 93-716, R.C.M. 1947, is amended to read as follows:

"93-716. No compensation -- travel expenses. The members of the commission are not entitled to compensation for their services, but they are entitled to ~~actual~~ travel expenses, as provided for in 59-538, 59-539, and 59-801, as amended, while actually engaged in the discharge of their official duties."

Section 31. Section 93-721, R.C.M. 1947, is amended to read as follows:

"93-721. No compensation -- travel expenses. A commission member is not entitled to compensation for his services but is entitled to ~~actual~~ travel expenses, as provided for in 59-538, 59-539, and 59-801, as amended, incurred in the performance of his duties."

Section 32. Section 95-3124.1, R.C.M. 1947, is amended to read as follows:

"95-3124.1. Expenses for returning fugitives. An agent

of this state authorized to return a fugitive from justice to this state may utilize commercial transportation, aircraft, or motor vehicle to return the fugitive. The agent shall be paid ~~all actual and necessary~~ travel expenses, as provided for in 59-538, 59-539, and 59-801, as amended, incurred in returning the fugitive to this state. ~~Actual and necessary expenses for transportation when a vehicle other than a state vehicle is utilized, shall be calculated at the rate allowed by law for state employees.~~"

-End-

STATE OF MONTANA

REQUEST NO. 602-77

FISCAL NOTE

Form BD-15

In compliance with a written request received March 4, 19 77, there is hereby submitted a Fiscal Note for House Bill 719 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION

An act to revise, limit, and standardize travel expense reimbursements paid from public funds by state governmental agencies, not including the legislative branch.

ASSUMPTION:

It is the purpose of this bill to limit the travel provisions to those specifications defined in Sections 59-538, 59-539 and 59-801, R.C.M. 1947, for all of state government and affected local government entities (excepting the Legislative Branch).

FISCAL IMPACT:

It is impossible within the time frame available to provide accurate, meaningful data concerning the financial impact of this bill. However, it can be reasonably construed that this bill will not increase travel costs of government and may produce a slight reduction in overall travel costs.

Richard L. Trenga for

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 3-10-77

JUDICIARY COMMITTEE

45th Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
HB 685	to amend, relating to tenants security deposits to allow deductions for cleaning expenses, etc.	2-7	Fagg	Monday 14th	table do pass amended	2-15 2-24
HB 713	Montana marketable title act of 1977	2-7	Ramirez	Monday 14th	do pass as amended	2-15
HB 718	revising definitions & duties under the citizen partici-pation law	2-7	Meloy	Monday 14th	do pass	2-15
HB 719	revise, limit, & standardize travel expense paid from public funds, not including the legislative	2-7	Meloy	Tuesday 15	do pass as amended	2-15
HB 720	revise, limit, etc. travel expense reimbursements paid from public funds by local gvt entities and to change for actual or necessary etc	2-7	Meloy	Tuesday 15	do pass	2-15
SB 119	enable peace officers to retain all privileges & immunities from liability & all pension, insurance when	2-7	Hazelbaker	March 9	concurred in	3-10

JUDICIARY COMMITTEE
February 15, 1977

The regularly scheduled meeting of the House Judiciary Committee was called to order in room 436 of the Capitol Building, Helena, Montana, at 7:30 a.m. Chairman Scully presided. All members were present with the exception of Representatives Roth and Seifert.

BILLS SCHEDULED FOR HEARING WERE House Bills 782, 719, 720, 734, 751, 533 and House Joint Resolution 63.

HOUSE BILL # 782:
REPRESENTATIVE RAMIREZ, DISTRICT #64:
This bill provides for offset of damages in a personal injury or wrongful death action by the amount of benefits to be paid from certain sources and also provides that evidence of remarriage of a surviving spouse is admissible in a wrongful death action. The jury is never told of any other benefits. It would provide that at the end of the trial the judge would then be able to deduct these benefits from the amount of the award. There will be no subrogation rights. He explained what benefits would be excluded under this bill.

THE HEARING CLOSED ON HOUSE BILL 782:

THE HEARING OPENED ON HOUSE BILLS 719 and 720:
REPRESENTATIVE MELOY, DISTRICT #29:
I would like to take these two bills together. They concern travel and per diem expenses, and are merely to clarify and make them conform to the remaining statutes. They are nothing more than a recodification and centralization of the travel expense statutes. On page 6, line 9 of HB 719, the number 59-807 should read 59-801. Also, on page 20, line 11, there is a new section amending the title. There is also a mistake on page 20, line 10.

DOYLE SAXBY, DEPUTY ADMINISTRATOR, DEPARTMENT OF ADMINISTRATION:
I would support the bills. Concerning the travel expense and the per diem, if we get them on the same basis, the department definitely supports the bills. He presented a copy of testimony to the committee.

THE HEARING CLOSED ON HOUSE BILLS 719 and 720.

THE HEARING OPENED ON HOUSE BILL 533.
REPRESENTATIVE BRAND, CHIEF SPONSOR could not attend, so co-sponsor REPRESENTATIVE KEYSER spoke and presented the bill to the committee. The problem with the bill is that they probably stuck it in the wrong section. We have cases in which it is just negligence that they have an accident, you don't want to charge them with reckless driving, because that is too drastic. In many instances it is not a reckless driving act, but only a violation of the law. This bill addresses an area that we need and can use, a lesser charge that we need in some cases.

JUDICIARY COMMITTEE
EXECUTIVE SESSION
February 15, 1977

The House Judiciary Committee held an executive session in room 436, Capitol Building, Helena, Montana at 8:45 p.m. Tuesday, February 15. Chairman Scully presided. All members were present with the exception of Representative Colburn.

Chairman Scully appointed a sub-committee to work on House Bill 462. The following representatives were appointed: Representatives Dussault, Ramirez, Holmes, Roth, Courtney, Seifert and Eudaily.

Representative Ramirez reported on HOUSE BILL #316.
He presented proposed amendments to the committee for their consideration. REPRESENTATIVE RAMIREZ MOVED the adoption of the committee report. The motion carried with all members voting aye. REPRESENTATIVE KEYSER moved do pass as amended. The motion carried with the following representatives voting "no". Representatives Baeth, Courtney, Dussault, Lory and Holmes.

Representative Ramirez moved the adoption of the proposed amendments to HOUSE BILL 672:
The suggested amendments concerned the title, pages 4 and 5.
The motion to amend carried with Representatives Courtney and Seifert voting "no". REPRESENTATIVE RAMIREZ moved "do pass as amended. Motion carried with all members present voting yes. (copy attached)

HOUSE BILL #654:
Representative Dussault moved the adoption of the proposed amendments. The motion carried with Representative Seifert voting "no".
REPRESENTATIVE DUSSAULT moved "do pass as amended". The motion carried with the vote unanimous. (copy attached)

HOUSE BILL #685:
REPRESENTATIVE BAETH moved "do not pass".
REPRESENTATIVE TEAGUE made a substitute motion "do pass".
The motion failed with the vote 9 to 8.
REPRESENTATIVE BAETH moved a substitute motion to "table".
The motion carried with Representatives Teague and McLane voting "no".

HOUSE BILLS #91 and 92:
CHAIRMAN SCULLY took a straw vote to determine if the committee was still in favor of tabling the two bills.
The vote for HB 91 was to remain tabled with Representatives Keyser, and Day voting "no".
The vote for HB 92 to remain tabled was unanimous.

HOUSE BILL #719:
Representative Courtney moved to adopt the proposed amendments, pages 11 and 20. The motion carried with the vote unanimous.
REPRESENTATIVE LORY moved that HB 719 "do pass as amended".
The motion carried with the vote unanimous.

HOUSE BILL #720:
REPRESENTATIVE LORY moved "do pass". The motion carried with the vote unanimous.

45th LEGISLATIVE SESSION

COMMITTEE ON State Administration

HOUSE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
396	2-25-77	rereferred to Judiciary 3-4-77							
223	4-9-77	not accepted by the Senate for action - put in our committee until end of session							
808	4-7-77	4-11-77	4-12-77				4-11-77		
565	2-25-77	3-19-77	3-19-77					3-19-77	
352	2-25-77	rerererred to Judiciary 3-4-77							
447	2-25-77	3-28-77	4-2-77				4-2-77		
719	2-25-77	3-21-77	3-31-77					3-25-77	
741	2-25-77	3-21-77	3-28-77				3-25-77		
765	2-25-77	3-21-77	3-28-77				3-25-77		
745	3-2-77	3-21-77	3-31-77					3-25-77	
804	3-2-77	3-21-77	3-21-77				3-21-77		
213	3-2-77	3-23-77	4-13-77						4-13-77
297	3-2-77	3-23-77	4-1-77				4-1-77		
788	3-2-77	3-23-77	4-4-77					4-2-77 Without Recommend	
794	3-2-77	3-25-77	3-28-77				3-25-77		
791	3-5-77	3-26-77	3-30-77				3-30-77	and transfer to Fish & Game	
795	3-5-77	3-26-77	4-1-77					3-30-77	

11:00 a.m.
March 21, 1977

MINUTES OF THE MEETING

STATE ADMINISTRATION COMMITTEE

MONTANA STATE SENATE

The meeting of the State Administration Committee was called to order by Chairman Thomas Towe on the above date in Room 410 of the State Capitol Building.

ROLL CALL: All members were present.

CONSIDERATION AND DISPOSITION OF HOUSE BILL 804.

Representative Helen O'Connell, District 34, stated she was chief sponsor of this bill. She stated in 1975 when the public employees were given the right to run for public office they left out some public employees, such as Highway Patrol and Fish and Game. This bill will include all public employees to participate in the Public Retirement System. She stated this would be retroactive to include this legislative session, January 3, 1977, so they will not lose that time.

She stated one of the reasons this was brought to her attention is they have a Representative who was a highway patrolman. After he got here he learned he wasn't involved in this. So they decided to put in a bill to cover all employees. This would be paid out of pocket and not by payroll.

Senator Roskie moved that HB 804 Be Concurred In. Senator Devine seconded. All were in favor.

Senator Roskie will carry the bill on the floor.

CONSIDERATION OF HOUSE BILL 719.

Representative Mike Meloy, District 29, is the chief sponsor of this bill. He stated two years ago the Legislature passed a bill which standardized the reimbursement of employees. In that bill they included sections which had in them different payments for travel, lodging and food. There were a number of sections that were missed. HB 719 brings into conformance the intent of the Legislature. He stated he was asked to carry this bill.

Senator Roskie stated they wrestled with the mileage thing on another bill. Is there anything in this bill relating to this?

Representative Meloy stated this would not affect this at all. He stated the only substantive change is 538-539, but it is really only designed to conform to the changes made in 1975.

Senator Blaylock made a motion that this bill Be Concurred In. However, the committee wanted to amend 62-1927 to clarify payments to board members. Chairman Towe stated that this bill would be held up until John Hollow could draft language for this matter.

Hearing closed on HB 719.

CONSIDERATION OF HOUSE BILL 741.

Representative Russell Baeth, District 15, stated HB 741 deals with retirement for the Fish and Game between the PERS and Game Warden retirement system.

Wes Woodgerd representing the Fish and Game spoke in favor of the bill. His testimony is attached. (Exhibit #1)

Tom Schneider, MPEA, stated he represents the game wardens and was involved in the drafting of this piece of legislation. It is exactly as Wes Woodgerd has stated. He stated it is necessary in a death or remarriage to allow for a beneficiary to be changed and this bill allows for this. If an employee who is already under PERS goes under law enforcement, he will be able to continue under the PERS system. He urged concurrence of this bill.

Chairman Towe stated a new person hired as a game warden must go under the Warden Retirement System. What about the person who has prior state experience and then is hired as a game warden?

Mr. Woodgerd stated if he has prior state experience then he probably has investment in PERS and he will be able to stay there.

Senator Roskie asked if there were significant differences or possible advantages of one system over another?

Mr. Woodgerd stated the warden retirement system had a number of advantages over PERS. There have been improvements in PERS so the two systems are coming close and closer together and now there is really not that much difference.

Chairman Towe asked the difference between the game wardens and PERS. The State puts in 7% for PERS and what does the State put in for the game wardens?

Mr. Schneider stated 6%.

Chairman Towe asked what does the employee put in?

Mr. Schneider stated 6% PERS and 7% game warden.

Senator Story asked what does this bill do to the other bill in the House?

MINUTES OF THE MEETING
SENATE STATE ADMINISTRATION COMMITTEE
MARCH 25, 1977

The meeting was called to order by Senator Towe, Chairman at 4:20 p.m. in Room 410 of the Capitol Building. Committee members present were Senators Towe, Brown, Story, Rasmussen, Roskie, Jergeson, Blaylock, and Devine.

The following bills were discussed: Appointments
HB 741
HB 765
HB 745
HB 794
HB 719
HB 263
HJR 20

Discussion was held regarding the appointment of Mr. Lackman as Commissioner of Agriculture. Senator Brown presented a proposal regarding confirmation of the appointment (attached #1).

Senator Story moved to reconsider the Lackman appointment. THE MOTION CARRIED WITH SENATORS DEVINE AND RASMUSSEN VOTING NO.

Senator Jergeson moved to hold the appointment until the first of April and see what alternative the Governor would submit. THE MOTION FAILED (SEE ATTACHED ROLL CALL VOTE #1),

A straw vote was taken on the possibility of asking for the appointment to be set until April 1, 1979 and failed.

Senator Devine moved Mr. Lackman be confirmed. THE MOTION FAILED ON A ROLL CALL VOTE (SEE ATTACHED ROLL CALL VOTE #2).

Senator Jergeson asked for a straw vote to determine if there is support for asking the Governor to set the appointment for a date certain this year. The straw vote was affirmative.

HOUSE BILL 741

Senator Jergeson moved HB 741 Be Concurred In. TTHE MOTION CARRIED WITH SENATOR STORY VOTING NO.

HOUSE BILL 765

Senator Devine moved House Bill 765 Be Concurred In. THE MOTION CARRIED UNANIMOUSLY.

HOUSE BILL 745

Senator Blaylock moved the amendments on the attached committee report. THE MOTION CARRIED UNANIMOUSLY.

Senator Blaylock moved House Bill 745 Be Concurred In As Amended. THE MOTION CARRIED UNANIMOUSLY.

HOUSE BILL 794

Senator Jergeson moved House Bill 794 Be Concurred In. THE MOTION CARRIED UNANIMOUSLY.

HOUSE BILL 719

Senator Blaylock moved the amendments on the attached committee report. THE MOTION CARRIED UNANIMOUSLY.

Senator Blaylock moved House Bill 719 Be Concurred In As Amended. THE MONTION CARRIED UNANIMOUSLY.

A report was received from the Governor's Office stating he would submit the appointment of Mr. Lackman until January 1, 1978 and would submit another name to be confirmed as Commissioner to serve from that date.

Senator Jergeson moved to confirm George Lackman as Commissioner of Agriculture on the basis of the previous report from the Governor. THE MOTION CARRIED UNANIMOUSLY WITH SENATOR BROWN ABSENT.

HOUSE BILL 263

Senator Rasmussen moved the amendments on page 1 as per the attached committee report. THE MOTION CARRIED UNANIMOUSLY.

Senator Rasmussen moved the amendments on page 2 as per the attached committee report. THE MOTION CARRIED UNANIMOUSLY.

Senator Blaylock moved House Bill 263 Be Concurred In As Amended. THE MOTION CARRIED UNANIMOUSLY.

HOUSE JOINT RESOLUTION 20

Senator Blaylock moved the bill be concurred in as amended. After discussion, it was decided to hold the bill for further action.

HOUSE BILL 263

Senator Rasmussen moved to reconsider House Bill 263. THE MOTION CARRIED UNANIMOUSLY.

Senator Rasmussen moved to amend the bill to include an effective date (see attached committee report). THE MOTION CARRIED UNANIMOUSLY.

Senator Rasmussen moved House Bill 263 Be Concurred In As Amended. THE MOTION CARRIED WITH SENATOR JERGESON VOTING NO.

There being no further business, the meeting adjourned to reconvene March 26 at 8:00 a.m.

ROLL CALL

State Administration COMMITTEE

45th LEGISLATIVE SESSION - - 1977 Date 3/25/77

NAME	PRESENT	ABSENT	EXCUSED
Senator Thomas E. Towe, Chrm.	X		
Senator Pete Story, V. Chrm.	X		
Senator Bob Brown	X		
Senator A.T. "Tom" Rasmussen	X		
Senator George F. Roskie	X		
Senator John W. Devine	X		
Senator Greg Jergeson	X		
Senator Chet Blaylock	X		

STANDING COMMITTEE REPORT

March 31 19 77

MR. President

We, your committee on State Administration

having had under consideration House Bill No. 719

Respectfully report as follows: That House Bill No. 719,
third reading, be amended as follows:

1. Amend title, line 10.
Following: "82-1208,"
Strike: "82-1519,"

2. Amend page 24, section 21, line 23 through line 22 on page 25.
Following: line 22
Strike: section 21 in its entirety

~~XXXXXXX~~ AND AS SO AMENDED, BE CONCURRED IN

BM

Chairman.

STATE PUB. CO.
Helena, Mont.

HOUSE BILL NO. 719

INTRODUCED BY MELOY

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE, LIMIT, AND STANDARDIZE TRAVEL EXPENSE REIMBURSEMENTS PAID FROM PUBLIC FUNDS BY STATE GOVERNMENTAL ENTITIES, NOT INCLUDING THE LEGISLATIVE BRANCH; AMENDING SECTIONS 5-609, 16-5119, 26-108, 26-1505, 27-238, 44-128, 59-801, 59-1402, 62-503, 66-109, 66-2805, 66-3205, 66-3703, 66-3905, 68-1802, 69-3414, 75-8408, 79-1016, 82-301, 82-1208, ~~82-1519~~, 82-4402, 82A-210, 82A-507, 82A-1602.30, 84-601, 84-702, 84-6704, 92-116.1, 93-716, 93-721, AND 95-3124.1, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 59-801, R.C.M. 1947, is amended to read as follows:

"59-801. Mileage ~~of all officers~~. (1) ~~Automobiles~~ Members of the legislature, state officers~~, township officers~~ and employees, jurors, witnesses, county agents, and all other persons~~, except sheriffs,~~ who may be entitled to mileage~~,~~ paid from public funds, when using their own automobiles in the performance of official duties, ~~shall be~~ are entitled to collect mileage for the distance actually traveled by automobile~~,~~ and no more, unless otherwise specifically provided by law~~;~~ ~~provided, however, that nothing herein contained shall be construed as affecting the validity of section 43-318.~~

(2) ~~Where~~ When the individual is authorized to operate a privately owned vehicle even though a government-owned or leased vehicle is available, a rate of ~~three~~ 3 cents ~~(3¢)~~ less per mile than the mileage rate allowed by the United States internal revenue service for the ~~next~~ preceding year shall be paid.

(3) ~~Where~~ When a privately owned vehicle is used because a government-owned or leased vehicle is not available ~~for use~~ or ~~it~~ because such use is in the best interest of the governmental entity, ~~that a privately owned vehicle be used,~~ a rate equal to the mileage allotment allowed by the United States internal revenue service for the ~~next~~ preceding year shall be paid for the first ~~one thousand (1,000)~~ miles and ~~three~~ 3 cents ~~(3¢)~~ per mile less for all miles thereafter traveled within a given calendar month.

(4) ~~Private planes~~ Members of the legislature, state officers~~, township officers~~ and employees, jurors, witnesses, county agents, and all other persons~~, except sheriffs,~~ who may be entitled to mileage paid from public funds, when using their own airplanes~~,~~ in the performance of official duties, are entitled to collect mileage for the

distance actually traveled at a rate of ~~twenty~~ 20 cents ~~(20¢)~~ per statute mile, and no more, unless specifically provided by law. ~~This section does not effect the validity of section 43-310.~~

(5) This section does not alter 43-310.

~~(5)~~(6) The department of administration shall prescribe rules necessary ~~to effectively administer~~ for the effective administration of this section for state government."

Section 2. Section 5-609, R.C.M. 1947, is amended to read as follows:

"5-609. ~~Secretary of board meetings of board quorum remuneration.~~ State banking board -- secretary -- meetings -- per diem. (1) The ~~board~~ state banking board created in 82A-407 shall elect a secretary from its members ~~a secretary~~ to serve at the pleasure of the board.

(2) In performing its functions, the board shall have use of the offices, equipment, and personnel of the department of business regulation as it requires.

(3) The board shall hold regular meetings each quarter at a fixed date and time at the office of the department ~~of business regulation~~. Special meetings may be called ~~at any time~~ by the chairman at any time upon ~~three (3)~~ days' notice to the members.

(4) A quorum for all meetings shall be a majority of

the board members, and ~~action may be taken by~~ a majority of the quorum present at any meeting may take action.

(5) The chairman shall have a voice but no vote in all meetings except to break a tie.

(6) Any board member except the chairman may be removed by the governor without cause in any case.

(7) The board members, except the chairman, shall be paid ~~twenty-five dollars ($25) per~~ a day or any part thereof devoted to the performance of their duties, and ~~actual and reasonable~~ travel expenses, as provided for in 59-538, 59-539, and 59-801, as amended, incurred in the performance of their duties ~~and mileage as provided by law to state officers~~. The costs and expenses of the board shall be legitimate charges of the department ~~of business regulation~~."

Section 3. Section 16-5119, R.C.M. 1947, is amended to read as follows:

"16-5119. Commission organization and procedure. (1) The commission ~~shall have the power to~~ may adopt rules for its own organization and procedure.

(2) The commission shall select from its membership any additional officers it considers necessary.

(3) The commission may employ and fix the compensation and duties of necessary staff.

(4) Commission members shall be reimbursed for ~~actual~~

~~and necessary~~ travel expenses, *as provided for in 59-538, 59-539, and 59-801, as amended,* incurred as commission members and shall be paid compensation as provided by law for interim standing committees.

(5) A majority of the members of the commission shall constitute a quorum for the transaction of business, and ~~no~~ *to be effective a* recommendation of the commission ~~shall have any effect unless~~ must be adopted by a majority of ~~the whole number~~ all of the commission members ~~of the commission~~.

(6) Open meetings — hearings. All meetings of the commission shall be open to the public. The commission shall hold public hearings and may use other suitable means to disseminate information and stimulate public discussion of its purposes, progress, conclusions, and recommendations.

(7) The chairperson shall schedule meetings of the commission as ~~deemed~~ considered necessary. The chairperson shall give due notice of the time and place of the meetings to members of the commission.

(8) The commission shall maintain a written record of its proceedings and its finances, which shall be open to inspection by any person at the office of the commission during regular office hours.

(9) Upon request, state agencies and units of local government shall cooperate with the commission by furnishing

assistance and data to the extent possible.

(10) State, municipal, and county officers and employees, at the request of the commission and with the consent of the employing agency, may be granted leave with or without pay from their agency to serve as consultants to the commission. If leave with pay is granted, they shall receive no other compensation, except ~~mileage and per diem~~ travel expenses, from the commission *as provided for in 59-538, 59-539, and* ~~59-807~~ 59-801, as amended.

(11) The commission may establish advisory boards and committees, ~~including on them~~ which may include persons who are not members of the study commission.

(12) The commission may do ~~any and~~ all things ~~as are~~ consistent with and reasonably required to perform its function under this act."

Section 4. Section 26-108, R.C.M. 1947, is amended to read as follows:

"26-108. Employees of the commission -- removal -- rating -- salaries -- expenses. The director ~~shall have the power to~~ may suspend without pay, reduce in rank, or remove any employee at any time for cause, providing that any person who has been continuously employed for ~~one (1)~~ year or more immediately preceding any suspension or discharge may demand and receive a hearing ~~on charges filed~~ before the ~~fish and game~~ commission on charges filed. The action of the

commission resulting from such a hearing shall be final. The director shall rate all employees on the basis of merit and efficiency in accordance with such rules ~~and regulations~~ as the commission may adopt to secure a proper rating of each person employed. The salaries of employees shall be fixed by the commission, and ~~necessary~~ travel expenses, as provided ~~by law~~ for in 59-538, 59-539, and 59-801, as amended, shall be allowed employees while upon official business away from designated headquarters."

Section 5. Section 26-1505, R.C.M. 1947, is amended to read as follows:

"26-1505. Refusal by applicant to modify plans -- arbitration of disputes. (1) If the ~~fish and game~~ commission notifies the applicant that the construction will adversely affect fish or game habitat, the applicant, within ~~fifteen (15)~~ days after receiving the recommendations and alternatives of the ~~fish and game~~ commission, shall notify the ~~fish and game~~ commission if it refuses to modify its plans in accordance with ~~such~~ the recommendations or alternatives. In the event of ~~such~~ refusal, the disagreement shall be arbitrated as provided in subsection (2) of this section.

(2) Upon receipt of ~~such~~ a notice of refusal, the ~~fish and game~~ commission shall determine if it wants the disagreement arbitrated. Within ~~ten (10)~~ days after an

affirmative determination, and after notice to the applicant, the ~~fish and game~~ commission shall notify, in writing, all district judges of the judicial district or districts in which the project is located that an arbitration board is needed. Within ~~five (5)~~ days of receipt of notification, ~~such~~ the judges shall appoint three ~~(3)~~ people from the county or counties in which the project is located to an arbitration committee. Within ~~ten (10)~~ days after the committee is appointed, it shall meet, hear testimony from all the parties concerned, and issue a decision signed by at least two ~~(2)~~ members of the committee. The decision shall be binding on all parties concerned. ~~The actual and necessary~~ Travel expenses of the arbitrators, shall be allowed as in 59-538, 59-539, and 59-801, as amended, and shall be divided equally among the agencies involved."

Section 6. Section 27-238, R.C.M. 1947, is amended to read as follows:

"27-238. Subpoena power of department of agriculture. (1) The department of agriculture ~~shall have the power to~~ may subpoena witnesses, to administer oaths, and to require the production of records, books, ~~and~~ or documents for examination at any hearing or investigation conducted by it. Subpoenaed witnesses shall be paid ~~the same per diem and~~ mileage travel expenses as ~~is authorized by the law for~~

~~state--employees~~ provided for in 59-538, 59-539, and 59-801, as amended.

(2) ~~In--case--of--failure--or--refusal--on--the--part--of--any~~ person If a person fails or refuses to comply with the subpoena issued by the department of agriculture or ~~in--case--of--the--refusal--of--any~~ if a witness refuses to testify ~~as--to~~ on any material matter regarding which he may be interrogated, any district court in the state, upon good cause shown by the application of the department of agriculture, may issue a warrant of attachment for such person, ~~and--if~~ If, after a hearing, the court finds his failure or refusal to be unjustified, it may compel him to comply with ~~such~~ the subpoena, ~~and~~ to attend before the department of agriculture and produce any subpoenaed records, books, ~~and~~ or documents for examination, and to give his testimony. ~~Such~~ The court ~~shall--have--the--power--to~~ may punish for contempt as in the case of disobedience to a like subpoena issued by the court, or for refusal to testify therein."

Section 7. Section 44-128, R.C.M. 1947, is amended to read as follows:

"44-128. ~~Employment--of--librarian~~ Librarian and assistants. The commission shall employ as its executive officer a librarian, who ~~shall--be~~ is a graduate of an accredited library school, and ~~who--shall--not--be~~ is not a

member of the commission, for such compensation as the commission ~~may--deem~~ considers adequate, ~~and--who~~. The executive officer shall perform the duties assigned by the commission, ~~--to~~ and serve at the will of the commission. The commission may also employ such other assistants as ~~shall--be~~ are required for the performance of the commission's work. In addition to their salaries, while on commission business the librarian and assistants shall be allowed their ~~mileage--and--per--diem--while--absent--from--the--commission--office--in--the--service--of--the--commission~~ travel expenses, as provided for in 59-538, 59-539, and 59-801, as amended."

Section 8. Section 59-1402, R.C.M. 1947, is amended to read as follows:

"59-1402. Meetings of commission -- quorum -- compensation. (1) The commission shall hold at least two ~~(2)~~ meetings before submitting a report to the ~~legislative--assembly~~ legislature as provided in ~~section~~ 59-1404.

(2) All meetings shall be called by the chairman of the commission, and notice of the meeting dates shall be given by mail to each commission member at least ~~twenty--(20)~~ days before the day scheduled for the meeting.

(3) A majority of members present at any meeting is sufficient to transact any business to come before the meeting; however, a majority of all commission members is necessary to ratify the commission's recommendations to the

legislature.

(4) Commission members shall be reimbursed from the appropriation to the office of the legislative council for their ~~actual and necessary~~ travel expenses incurred, as provided for in 59-538, 59-539, and 59-801, as amended, and ~~twenty-five dollars ($25) per day~~ PER DAY while attending meetings of the commission.

(5) The commission shall choose one ~~(1)~~ of its members as chairman at its initial meeting, and the executive director of the legislative council or his delegate shall serve as secretary to the commission and shall record and transcribe all minutes of commission meetings and prepare all correspondence, notices, and formal recommendations as directed by the chairman."

Section 9. Section 62-503, R.C.M. 1947, is amended to read as follows:

"62-503. Chairman -- quorum -- costs -- salary. (1) The board shall organize by electing one ~~(1)~~ of its members chairman. Three ~~(3)~~ members of the board shall constitute a quorum for the transaction of business by the board.

(2) The board may incur costs, charges, and expenses reasonably necessary to carry out this act.

(3) Each member may be paid ~~twenty-five dollars ($25)~~ for each day in which he is actually and necessarily engaged in the performance of board duties, and shall ~~also~~ be

reimbursed for ~~actual and necessary~~ travel expenses, as provided for in 59-538, 59-539, and 59-801, as amended, incurred in his official service."

Section 10. Section 66-409, R.C.M. 1947, is amended to read as follows:

"66-409. Powers and duties. (1) The department shall, subject to ~~section~~ 82A-1603, conduct practical examinations of applicants for apprentice cards and for certificates of registration to practice as registered barbers, not less than four ~~(4)~~ times ~~each~~ a year at times and places the board determines. The examinations shall cover the fundamentals of barbering, dermatology, and sanitation. The department shall issue apprentice cards and certificates of registration.

(2) The board may approve price agreements, establishing minimum prices for barber work, which are signed and submitted to the board by an organized group or groups of at least ~~seventy-five percent (75%)~~ of the barbers in a city or town, if the board, after ascertaining by investigations and proofs as the situation permits and requires, finds that the price agreement is just and will best protect the public health and safety by affording a sufficient minimum price for barber work to enable the barbers to furnish modern and healthful services and appliances to minimize the danger to the public health

incident to this work. Under this chapter, a city or town includes~~,--in--addition--to~~ the territory within its legal limits~~,~~ and the territory adjacent to it and lying within ~~three--(3)~~ miles of its legal limits. In determining whether a price agreement is just and will best protect the public health and safety, the board shall ~~take-into-consideration~~ consider all conditions affecting the barber business in its relation to the public health and safety.

(3) In determining reasonable minimum prices, the board shall ~~take-into-consideration~~ consider the necessary cost incurred in the city or town to maintain a barbershop in a clean, healthful, and sanitary condition.

(4) ~~The--board,--after~~ After making an investigation, the board shall by order fix ~~by-order~~ the minimum price for work usually performed in a barbershop in the city or town in which the price agreement has been signed. The board may, on the petition of ~~fifty-percent-(50%)~~ of the barbers of the city or town, readjust the minimum prices, and the new prices must be approved by ~~seventy-five-percent-(75%)~~ of the barbers in the city or town. This section does not apply to students who have been enrolled less than ~~nine-(9)~~ months in a barber college in this state or ~~until-they-become~~ who are not apprentice barbers.

(5) The board may adopt rules for the administration of this chapter.

(6) A person hired by the department to make an inspection of a ~~barbershop,~~ school, or college shall be recommended by the board. He shall receive ~~thirty--dollars-($30)~~ per day plus ~~actual-and-necessary~~ travel expenses, as provided for in 59-538, 59-539, and 59-801, as amended."

Section 11. Section 66-2805, R.C.M. 1947, is amended to read as follows:

"66-2805. Meetings -- powers -- compensation. (1) Each July the ~~The~~ board shall ~~annually-in-the-month-of-July,~~ elect from its membership a president, vice-president, and secretary-treasurer. The board shall meet quarterly and at such other times it considers necessary.

(2) The board may:

(a) ~~Adopt~~ adopt rules for the administration of this act and for the licensing of electrical contractors and the examination and licensing of master and journeymen electricians~~;~~;

(b) ~~Adopt~~ adopt a seal;

(c) ~~Cause~~ cause the prosecution and enjoinder of persons violating this act;

(d) ~~Suspend~~ suspend or revoke a license granted under this act for any of the following reasons:

(i) ~~Violation~~ violation of this act, the national electrical code, or the rules of the board;

(ii) ~~Any~~ any cause for which issuance of the license

could have been denied had it existed and been known to the board;

(iii) ~~Commission~~ commission of any act of gross negligence, incompetency, or misconduct as may be determined by the board in the practice of a master or journeyman electrician or the business of an electrical contractor; or

(iv) ~~Making~~ making a material misstatement, misrepresentation, or fraud in obtaining a license.

(3) Each member of the board shall receive ~~actual--and necessary~~ travel expenses, as provided for in 59-538, 59-539, and 59-801, as amended, incurred in the performance of his duties."

Section 12. Section 66-3205, R.C.M. 1947, is amended to read as follows:

"66-3205. Duties of board. (1) The board shall hold a regular annual meeting in which it shall select from its members a chairman and a secretary. The department shall keep a record of the board's proceedings. Other regular meetings shall be held at such times as the rules of the board provide. Special meetings may be held at times considered necessary or advisable by the chairman and the majority of its members, or on the request of the governor. Reasonable notice of meetings shall be given in the manner prescribed by the board. The quorum of the board consists of the majority of its members.

(2) Each board member shall receive ~~actual---and necessary--traveling--and--subsistence~~ travel expenses, as provided for in 59-538, 59-539, and 59-801, as amended, incidental to board meetings.

(3) The board may make reasonable and necessary rules for the proper performance of its duties and for the regulation of proceedings before it.

(4) The attorney general shall act as attorney for the board. He or his representative may sit as an ex officio member of the board in an advisory capacity only.

(5) The board shall adopt an official seal."

Section 13. Section 66-3703, R.C.M. 1947, is amended to read as follows:

"66-3703. Board -- compensation -- meetings -- quorum. (1) Board members may be compensated as determined by the board, but not to exceed ~~twenty-five--dollars--($25)--per~~ a day, for official business. Board members shall be reimbursed for their ~~actual-and-necessary~~ travel expenses, as provided for in 59-538, 59-539, and 59-801, as amended, incurred while on official business of the board.

(2) The board shall meet at least twice a year and elect a chairman at the first meeting of each calendar year.

(3) Four ~~(4)~~ members of the board constitute a quorum for the purpose of transacting business."

Section 14. Section 66-3905, R.C.M. 1947, is amended

to read as follows:

"66-3905. Function of the board and department. (1) The board shall meet at least once ~~every~~ a year at a place, day, and hour determined by the board. The board shall also meet at other times and places as the bylaws of the board may provide or by call of the chairman or a majority of the members of the board. A quorum of the board shall consist of the majority of its members, but in no instance ~~shall~~ may a meeting of three ~~(3)~~ board members who are exclusively speech pathologists or exclusively audiologists be considered a quorum.

(2) Each board member shall receive ~~actual and necessary~~ travel expenses incidental to board meetings and business, as provided for in 59-538, 59-539, and 59-801, as amended ~~Mileage shall be as provided in section 59-801~~.

(3) The department may employ persons it ~~deems~~ considers necessary to carry out the provisions of this act.

(4) All meetings of the board for the consideration of and action on matters coming before the board are open to the public, except:

(a) matters involving the management of internal affairs of the board may be considered and acted upon by the board in executive meetings under rules prescribed by the board;

(b) sessions to prepare, approve, grade, or administer

examinations;

(c) upon request of a person who has failed the licensing examinations and who is appearing to appeal the failure.

(5) The board may make ~~all~~ rules which are reasonable or necessary for the proper performance of its duties and for the regulation of proceedings before it.

(6) The department shall prepare a report to the governor as required by law.

(7) The board shall:

(a) administer, coordinate, and enforce the provisions of this act;

(b) evaluate the qualifications of each applicant for a license as issued under this act and supervise the examination of such applicants;

(c) investigate persons engaging in practices which allegedly violate the provisions of this act;

(d) conduct hearings and keep records and minutes as the board considers necessary to an orderly dispatch of business;

(e) adopt rules including but not limited to those governing ethical standards of practice under this act;

(f) make recommendations to the governor and other state officials regarding new and revised programs and legislation related to speech pathology or audiology which

could be beneficial to the citizens of the state of Montana;

(g) cause the prosecution and enjoinder of all persons violating this act, by the complaints of its secretary filed with the county attorney, in the county where the violation took place, and incur necessary expenses therefor;

(h) adopt a seal by which the board shall authenticate its proceedings. Copies of the proceedings, records, and acts of the board, signed by the chairman or secretary of the board and stamped with the seal, shall be prima facie evidence of the validity of such documents."

Section 15. Section 68-1802, R.C.M. 1947, is amended to read as follows:

"68-1802. Compensation and expenses of board members. The ~~actual--and-necessary~~ travel expenses of members of the board shall be as allowed in 59-538, 59-539, and 59-801, as amended, and reimbursed by the retirement system. Those members of the board who are not members of the retirement system shall be entitled to receive, in addition to ~~actual and-necessary~~ travel expenses, compensation at the rate of ~~twenty-five--dollars--($25)--per~~ a day. All expenses of the administration of this act in excess of the amounts provided by the membership fees contributed pursuant to ~~section~~ 68-1904 shall be a charge on the appropriation made from the general fund of the state."

Section 16. Section 69-3414, R.C.M. 1947, is amended

to read as follows:

"69-3414. Compensation of members. (1) Members of the board shall receive compensation of ~~twenty-five--dollars ($25)--per~~ a day plus ~~actual-and-necessary~~ travel expenses, ~~and-mileage~~ as provided for in ~~section~~ 59-538, 59-539, and 59-801, as amended, while engaged in business of the board.

(2) The board shall appoint one ~~(1)~~ of its members chairman. The board shall meet at least once annually and at such other times as agreed upon. The board shall not meet more than four ~~(4)~~ times ~~in-any~~ A year."

Section 17. Section 75-8408, R.C.M. 1947, is amended to read as follows:

"75-8408. Bureau of mines and geology -- purpose. The bureau of mines and geology shall:

(1) ~~Compile~~ compile and publish statistics relative to Montana geology, mining, milling, and metallurgy;

(2) ~~Collect~~ collect:

(a) typical geological and mineral specimens;

(b) samples of products;

(c) photographs, models, and drawings of appliances used in the mines, mills, and smelters of Montana; and

(d) a library and a bibliography of literature relative to the progress of geology, mining, milling, and smelting in Montana;

(3) ~~Study~~ study the geological formations of Montana,

with special reference to their economic mineral resources, and ground water;

(4) ~~Examine~~ examine the topography and physical features of Montana relative to their bearing upon the occupation of the people;

(5) ~~Study~~ study the mining, milling, and smelting in Montana relative to their improvement;

(6) ~~Publish~~ publish bulletins and reports of a general and detailed description of the natural resources, geology, mines, mills, and reduction plants of Montana;

(7) ~~Make~~ make qualitative examinations of rocks and mineral samples;

(8) ~~Consider~~ consider scientific and economic problems the regents ~~deem~~ consider valuable to the people of Montana;

(9) ~~Communicate~~ communicate special information of Montana geology, mining, and metallurgy;

(10) ~~Co-operate~~ cooperate with:

(a) departments of the system;

(b) the state mine inspector;

(c) departments of the state;

(d) the United States geological survey; and

(e) the United States bureau of mines;

(11) ~~Make~~ make examinations of state land regarding ~~their~~ its geology and mineral value at the request of the

department of state lands and make investments. ~~(a)~~ These services are limited to the time available for such work after all other duties of the bureau of mines and geology are served. ~~(b)~~ Written reports shall be made. ~~(c)~~ Travel, ~~food, lodging, and incidental~~ expenses incurred by the examiner shall be paid as provided for in 59-538, 59-539, and 59-801, as amended, by the agency requesting the examination upon the presentation of claims in the ordinary form.

(12) ~~Deposit~~ deposit all material collected in the state museums or in the Montana college of mineral science and technology after completed use by the bureau of mines and geology;

(13) ~~Distribute~~ distribute duplicates of representative material to the units of the university system to their best educational advantage; and

(14) ~~Print~~ print the regular and special reports, with illustrations and maps, and distribute them on direction of the regents."

Section 18. Section 79-1016, R.C.M. 1947, is amended to read as follows:

"79-1016. Inquiries and investigations by budget director. The budget director or his designated representative shall make such further inquiries and investigations as he ~~shall deem~~ considers necessary as to

any item included in the report and estimates furnished by any department, agency, or institution. In making such investigations, he shall be allowed his ~~necessary~~ travel expenses ~~of travel and subsistence~~ as provided ~~by law~~ for in 59-538, 59-539, and 59-801, as amended, in visiting any institution or department in the state. The budget director may appoint a chief assistant and may employ such other personnel as may be necessary to carry out the provisions of this chapter."

Section 19. Section 82-301, R.C.M. 1947, is amended to read as follows:

"82-301. Board of athletics--~~compensation and expense meetings chairman seal quorum~~. The members of the board of athletics shall serve without compensation but shall be allowed ~~necessary~~ travel expenses, as provided for in 59-538, 59-539, and 59-801, as amended, to be paid by the state treasurer on warrant properly drawn, out of the proceeds of the tax collected under this act. ~~The board shall before~~ Before April 1 of each year, the board shall elect one of its number chairman, shall adopt a seal for the board, and may adopt rules for the administration of its office. Two ~~(2)~~ of the members of the board constitute a quorum to do business~~,~~ and the concurrence of at least two ~~(2)~~ members is necessary to render a choice or decision by the board."

Section 20. Section 82-1208, R.C.M. 1947, is amended to read as follows:

"82-1208. Special deputy fire marshals -- acting fire marshal -- fire marshal's employees. (1) In an emergency, or during the absence or disability of the state fire marshal, the attorney general may appoint an acting fire marshal, who shall perform the duties of the office, or any duty which may be assigned to him, such appointment to cease when the necessity therefor has been relieved.

(2) The state fire marshal may appoint special deputy state fire marshals throughout the state and define their duties. When performing these duties or attending a training course conducted by the state fire marshal, special deputy fire marshals may be paid at a rate not to exceed ~~forty dollars ($40) per~~ a day plus ~~per diem allowance for~~ travel expenses ~~and mileage at the same rates specified for state employees~~ as provided for in 59-538, 59-539, and 59-801, as amended.

(3) The fire marshal may appoint assistants and clerical employees to perform duties as specified by the marshal to assist in carrying out the duties assigned him by law."

~~Section 21. Section 82-1519, R.C.M. 1947, is amended to read as follows:~~

~~"82-1519. Compensation of chairman and officers---~~

~~reports--It-shall-be-the-duty-of-all-(1)-All~~ public officers to ~~shall~~ perform ~~the-duties-relative-to-hail-insurance-under this-act,-without-other-compensation-than--that--allowed--by laws~~ ~~The-chairman-of-the-state-board-of-hail-insurance-shall receive--a--salary-in-such-amount-as-may-be-specified-by-the legislative-assembly~~ legislature ~~in-the-appropriation-to-the board-of-hail-insurance,~~ ~~and--all--appointed--officers--and employees--under--this-act-shall-be-allowed-the-per-diem-and mileage-allowed-state-employees~~ ~~travel-expenses-as--provided for---in---59-538,--59-539,--and--59-801,--as--amended.--The compensation-of-all-appointed-officers-and-employees-of--the board--shall--be-fixed-by-the-state-board-of-hail-insurance.~~ ~~If-the-legislative-assembly~~ legislature does ~~not-specify-the maximum-salary-for-the-head-of-the-agency,-the-salary--shall be-fixed-by-the-state-board-of-hail-insurance-after-approval by--the--board--of--examiners.--Before--approving-any-salary increase,-the-board-of-examiners-shall-review--the--salaries of--comparable--positions-in-Montana-state-government,-other states,-and-private-industry.~~

~~(2)~~ ~~The-chairman-of-the-state-board-of-hail--insurance shall--report--as--provided--in--section-2-[82-4002]-of-this act.~~"

Section 21. Section 82-4402, R.C.M. 1947, is amended to read as follows:

"82-4402. Board member appointed by governor --

compensation. The governor shall appoint the board member. He shall report directly to the governor. ~~Such~~ The member, with the approval of the governor, may designate an alternate to represent the state when he is unable to do so. The member, or his alternate, ~~shall~~ may receive no compensation in addition to salary for his services as a member of the board, but shall be reimbursed for ~~actual and necessary~~ travel expenses as provided for in 59-538, 59-539, and 59-801, as amended, incurred in the performance of his duties."

Section 22. Section 82A-210, R.C.M. 1947, is amended to read as follows:

"82A-210. Board of administration -- composition -- terms -- allocated. (1) There is a board of administration.

(2) The board consists of five ~~(5)~~ members appointed by the governor. The members are:

(a) ~~Three-(3)~~ three public employees who ~~shall-be~~ are members of a public retirement system. ~~Not~~ not more than one ~~(1)~~ of these members may be an employee of the same department; and

(b) ~~Two-(2)~~ two members at large.

(3) The term of office for each member is ~~five-(5)~~ years.

(4) The board is allocated to the department for administrative purposes only as prescribed in ~~section~~

82A-108.

(5) Members of the board shall be paid their ~~actual and necessary~~ travel expenses as provided for in 59-538, 59-539, and 59-801, as amended, and members of the board who are not members of the public retirement system shall be entitled, in addition to ~~actual and necessary~~ travel expenses, to compensation as established for a quasi-judicial board in ~~section~~ 82A-112 ~~(7)~~."

Section 23. Section 82A-507, R.C.M. 1947, is amended to read as follows:

"82A-507. Board of trustees of state historical society -- continued. (1) The board of trustees of the state historical society, created in Title 44, chapter 5, R.C.M. 1947, is continued.

(2) The composition, method of appointment, terms of office, and qualifications of board members remain as prescribed by law.

(3) Each member is entitled to be paid an amount to be determined by the department head, not to exceed ~~twenty-five dollars~~ ~~($25)~~ for each day in which he is actually and necessarily engaged in the performance of board duties, and he is also entitled to be reimbursed for ~~actual and necessary~~ travel expenses, as provided for in 59-538, 59-539, and 59-801, as amended, incurred while in the performance of board duties. Members who are full-time

salaried officers or employees of this state or of any political subdivision of this state are not entitled to be compensated for their service as members, but are entitled to be reimbursed for their ~~actual and necessary~~ travel expenses."

Section 24. Section 82A-1602.30, R.C.M. 1947, is amended to read as follows:

"82A-1602.30. Board created. (1) There is a board of landscape architects. The board consists of five ~~(5)~~ members of which at least three ~~(3)~~ must be landscape architects. Members of the board shall be appointed by the governor and must be residents of this state. At least three ~~(3)~~ shall have the qualifications of landscape architects required by this act, and, except for the first appointed members, three ~~(3)~~ members must be licensed landscape architects. The board is allocated to the department of professional and occupational licensing for administrative purposes only as prescribed in ~~section~~ 82A-108.

(2) The terms of the members of the board first appointed are as follows:

(a) one member for ~~one (1)~~ year;

(b) two members for ~~two (2)~~ years; and

(c) two members for ~~three (3)~~ years.

(3) Future terms are for ~~four (4)~~ years. Each member

shall hold office until the appointment and qualification of his successor. Vacancies occurring prior to the expiration of the term shall be filled in the same manner as original appointments. No member may serve more than ~~eight (8)~~ consecutive years.

~~(3)~~(4) The board may promulgate such rules, including setting of fees, as are necessary in the performance of its duties, and may hear contested cases arising under this act.

~~(4)~~(5) ~~The~~ At its first meeting of every calendar year, the board shall elect ~~annually, at its first meeting of every calendar year,~~ from its members, a president who may appoint a secretary. The secretary may or may not be a member of the board. In carrying out the provisions of this act, ~~all~~ the only reimbursement members of the board ~~shall~~ may receive ~~only reimbursement~~ is for travel ~~and actual~~ expenses allowed as in 59-538, 59-539, and 59-801, as amended, incurred in the performance of board duties."

Section 25. Section 84-601, R.C.M. 1947, is amended to read as follows:

"84-601. County tax appeal board -- ~~when to hear protests~~ meetings and compensation. The board of county commissioners of each county shall appoint a ~~three (3)~~ three-member county tax appeal board. The members of each tax appeal board shall be residents of the county in which they serve~~, they~~. They shall serve ~~four (4)~~ 4-year terms and

shall ~~effective July 1, 1973,~~ receive compensation of ~~twenty-five dollars ($25) per~~ a day and travel expenses as provided for in 59-538, 59-539, and 59-801, as amended, only when the county tax appeal board is in session to hear taxpayers' appeals from property tax assessments or when they are attending meetings called by the state tax appeal board. Travel expenses and compensation shall be paid from the appropriation to the state tax appeal board. Office space and equipment for the county tax appeal boards shall be furnished by the county. All other incidental expenses ~~will~~ shall be paid from the appropriation of the state tax appeal board. ~~The first term shall run from July 1, 1973, through December 31, 1976.~~ The county tax appeal board must meet on the third Monday of June in each year to hear protests concerning assessments made by the department of revenue. It must continue in session for that purpose from time to time until the business of hearing protests is disposed of, but not later than the second Monday in August. In connection with any such appeal, the county tax appeal board ~~shall have the authority to~~ may change any assessment or fix the assessment at some other level. ~~It is the duty of the~~ The county clerk to shall publish a notice to taxpayers, ~~of~~ giving the time the county tax appeal board will meet to hear protests concerning assessments and the latest date the county tax appeal board may take

applications for such hearings~~,~~ ~~by publication~~ The notice shall be published in a newspaper~~,~~ if any is printed in the county~~;~~, or if none, then in such manner as the board may direct. The notice shall be published at least ~~seven (7)~~ days prior to the first meeting of the county tax appeal board."

Section 26. Section 84-702, R.C.M. 1947, is amended to read as follows:

"84-702. Qualification and compensation. ~~The persons to~~ To be appointed ~~as members~~ a member of the state tax appeal board, ~~shall be such as are known to~~ a person must possess knowledge of the subject of taxation and skill in matters pertaining thereto. No person so appointed ~~shall~~ may hold any other office under the laws of this state ~~nor~~ or any other state, ~~nor~~ or any office under the government of the United States or under the government of any other state. He shall devote his entire time to the duties of the office and shall not hold any other position of trust or profit~~,~~ ~~nor~~ or engage in any occupation or business interfering or inconsistent with his duties. The state tax appeal board is transferred to the department of administration for administrative purposes only as is specified in ~~section~~ 82A-108~~,~~ ~~R.C.M. 1947~~. However, the board may hire its own personnel, and ~~section~~ 82A-108(2)(d) does not apply. The member designated chairman as provided

for in 84-703 shall receive additional compensation of ~~not~~ more than ~~five hundred dollars ($500)~~ ~~per annum~~ a year, payable in the same manner as the salary. The state tax appeal board shall be paid ~~per diem and~~ travel expenses, as provided for in 59-538, 59-539, and 59-801, as amended, when away from the capital on official business."

Section 27. Section 84-6704, R.C.M. 1947, is amended to read as follows:

"84-6704. Advisory committee -- members -- reimbursement -- meetings. There is hereby established the multistate tax compact advisory committee composed of the member of the multistate tax commission representing this state or any alternate designated by him, the attorney general or his designee, and two members of the senate, one ~~(1)~~ from each of the two ~~(2)~~ major political parties appointed by the senate committee on committees, and two ~~(2)~~ members of the house of representatives, one ~~(1)~~ from each of the two ~~(2)~~ major political parties, appointed by the speaker of the house. The chairman shall be the member of the commission representing this state. Members of the commission who are members of the ~~legislative assembly~~ legislature shall be reimbursed for ~~actual and necessary~~ travel expenses, as provided for in 59-538, 59-539, and 59-801, as amended, incurred on commission business from any funds appropriated to implement this compact. The committee

shall meet on the call of its chairman or at the request of a majority of its members, but in any event it shall meet not less than three ~~(3)~~ times in each year. The committee may consider ~~any and~~ all matters relating to recommendations of the multistate tax commission and the activities of the members in representing this state thereon."

Section 28. Section 92-116.1, R.C.M. 1947, is amended to read as follows:

"92-116.1. Administration fund. (1) ~~There is hereby established in the state treasury a workmen's~~ A workers' compensation administration fund is established, out of which all costs of administering the ~~Workmen's~~ Workers' Compensation and Occupational Disease Acts and the various occupational safety acts the division must administer are to be paid upon lawful appropriation. The following moneys collected by the ~~workmen's~~ workers' compensation division shall be deposited in the state treasury to the credit of the ~~workmen's~~ workers' compensation administrative fund and shall be used for the administrative expenses of the division:

(a) all fees and fines provided in ~~sections~~ 92-119, 92-820, and 92-1358;

(b) all fees paid for inspection of boilers and issuance of licenses to operating engineers as required by law;

(c) all fees paid from an assessment on each plan No. 1 employer, plan No. 2 insurer, and plan No. 3, the state insurance fund. The assessments shall be levied against the preceding calendar year's gross annual payroll of the plan No. 1 employers and the gross annual direct premiums collected in Montana on the policies of the plan No. 2 insurers, insuring employers covered under the act, during the preceding calendar year. However, no assessment of the plan No. 1 employer or plan No. 2 insurer shall be less than ~~two hundred dollars ($200)~~. The assessments shall be sufficient to fund the direct costs identified to the three ~~(3)~~ plans and an equitable portion of the indirect costs based on the ratio of the preceding fiscal year's indirect costs distributed to the plans using proper accounting and cost allocation procedures. Plan No. 3 shall be assessed an amount sufficient to fund its direct costs and an equitable portion of the indirect costs as referred to above. Other sources of revenue including unexpended funds from the preceding fiscal year shall be used to reduce the costs before levying the assessments.

(2) The administration fund shall be debited with expenses incurred by the division in the general administration of the provisions of this act, including the salaries of its members, officers, and employees, and the ~~actual and necessary traveling~~ travel expenses ~~and~~

~~disbursements~~ of ~~such~~ the members, officers, and employees, as provided for in 59-538, 59-539, and 59-801, as amended, incurred while on the business of the division either within or without the state.

(3) Disbursements from the administration moneys shall be made after being approved by the division upon claim therefor."

Section 29. Section 93-716, R.C.M. 1947, is amended to read as follows:

"93-716. No compensation -- travel expenses. The members of the commission are not entitled to compensation for their services, but they are entitled to ~~actual~~ travel expenses, as provided for in 59-538, 59-539, and 59-801, as amended, while actually engaged in the discharge of their official duties."

Section 30. Section 93-721, R.C.M. 1947, is amended to read as follows:

"93-721. No compensation -- travel expenses. A commission member is not entitled to compensation for his services but is entitled to ~~actual~~ travel expenses, as provided for in 59-538, 59-539, and 59-801, as amended, incurred in the performance of his duties."

Section 31. Section 95-3124.1, R.C.M. 1947, is amended to read as follows:

"95-3124.1. Expenses for returning fugitives. An agent

of this state authorized to return a fugitive from justice to this state may utilize commercial transportation, aircraft, or motor vehicle to return the fugitive. The agent shall be paid ~~all actual and necessary~~ travel expenses, as provided for in 59-538, 59-539, and 59-801, as amended, incurred in returning the fugitive to this state. ~~Actual and necessary expenses for transportation when a vehicle other than a state vehicle is utilized shall be calculated at the rate allowed by law for state employees.~~"

-End-